PHILIP MORRIS LIMITED

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Inter-Office Memorandum

TO: DAVID DAVIES **DATE:** FEBRUARY 21, 1994.

FROM: GREG FOWLER **REF:** A:ETSPMCC.GLF4

SUBJECT: ETS PRESENTATION/MOORABBIN CITY COUNCIL

What follows is a brief outline of what I consider we should cover in the ETS presentation to the Moorabbin City Council. I am setting aside other topics which you may consider addressing (for instance, the Philip Morris position as an employer in the City of Moorabbin, the research being funded by Philip Morris in "the case of Moorabbin", the PM internal smoking policy and so forth).

ETS Presentation

- Accommodation/PM Position

  Accommodation of the rights and interests of smokers and non-smokers requires a delicate balancing on an enterprise by enterprise basis. The blunt tool of legislation/executive fiat is inappropriate. (See example of St. Kilda football club where 80% of members smoke and the club has adequate ventilation; in contrast with the health food restaurant). It is not PM's position that smoking should be allowed in all places at all times. We encourage reasonable accommodation based upon the needs and desires of individual enterprises and their customers.

- Legal Position

  No law specifically requires and employer or member of the hospitality industry to impose a general ban on smoking at work or in public places like restaurants and taverns.

- Fear of Litigation/Common Law

  - Burswood decision
  - If ETS what next?

- Australian Legal Cases

  Explain:

  - AFCO
  - Carroll
  - Scholem

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- ETS/The Science

  - ETS is not "passive smoking"
  - Exposure levels
  - Epidemiology, an explanation
  - Epidemiology/Spousal studies
  - Epidemiology/Workplace studies
  - Epidemiology/Workplace studies, social setting studies
  - Ventilation

- Economic Impact of Smoking Bans

  - Californian Experience
  - An enterprise decision not for legislation

- ETS A Different Perspective

  - Carcinogens (coffee, strawberries, outdoor air ....)
  - Cigarette "poisons" (tomatoes/nicotine; formaldehyde/space heaters .....)
  - Increased lung cancer "risk" (pet birds, whole milk .....)

- Conclusion

  Neither science nor the law requires or justifies governmentally imposed smoking restrictions or bans. However, accommodation .....

Suggested Handouts

- Meltzer article (attached).
- ETS: scientific and legal aspects/executive summary (attached)
- Shouldn't we finalise our ETS brochure and send it along later?

Regards,

GREG

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